

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NEW YORK

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THE UNITED STATES OF AMERICA,

-vs-

GOGOLACK ET AL.,

Defendants.

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NOTICE OF MOTION FOR  
NON-DISPOSITIVE PRETRIAL  
RELIEF

23-CR-00099

MOTION MADE BY: Cheryl Meyers Buth and Mark Foti, attorneys for Peter Gerace, Jr.; Donald Thompson and George Muscato, attorneys for John Ermin; Daniel Henry and Frank Bogulski, attorneys for Howard Hinkle

DATE, TIME, AND PLACE May 21, 2025, at 10:00 a.m. or at a date and time determined by the Court, Robert H. Jackson Courthouse, 2 Niagara Square, Buffalo, NY 14202

SUPPORTING PAPERS Memorandum in Support

RELIEF REQUESTED:

- A. Motion for a Bill of Particulars
- B. Motion to Strike Surplusage
- C. Motion for Rule 12 Notice
- D. Motion for Rule 16 Discovery
- E. Motion for Disclosure of Grand Jury Recordings
- F. Motion for Prompt Disclosure of Brady Material and Information
- G. Motion for Early Disclosure of Jencks Material

H. Motion for Change of Vicinage

I. Motion for Severance

J. Motion for Preservation of Rough Notes and Other Evidence

K. Motion for F.R.E. 404(B), 608 & 609 Notice and Evidence

L. Motion to Reveal Identity of Informant(S)

M. Motion for Leave to Join in Co-Defendant's Motions

N. Motion for Leave to Make Other Pretrial Motions

Please Note: Oral Argument and Reply Briefing Requested.

Respectfully submitted,

DATED: Orchard Park, New York  
April 16, 2025

s/ Cheryl Meyers Buth  
Cheryl Meyers Buth, Esq.  
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DATED: Rochester, New York  
April 16, 2025

s/ Mark A. Foti  
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DATED: Rochester, New York  
April 16, 2025

s/ Donald M. Thompson  
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DATED: Lockport, New York  
April 16, 2025

s/ George V. C. Muscato  
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DATED: Hamburg, New York  
April 16, 2025

s/ Daniel J. Henry  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on April 16, 2025, this motion and its attached memorandum are served on all counsel of record by electronically filing the submission with the Clerk of the United States District Court for the Western District of New York using the Court's Case Management/Electronic Case Filing system.

DATED: April 16, 2025  
Rochester, New York

s/Mark A. Foti  
Mark A. Foti, Esq.